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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,193	01/31/2001	Anand Naga Babu	AUS9-2000-0697-US1	4496
32329	7590	08/11/2005	EXAMINER	
IBM CORPORATION INTELLECTUAL PROPERTY LAW 11400 BURNET ROAD AUSTIN, TX 78758			GOLD, AVI M	
		ART UNIT	PAPER NUMBER	
		2157		

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/773,193	BABU ET AL.	
	Examiner Avi Gold	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 May 2005.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-36 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-36 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

This action is responsive to the amendment filed on May 4, 2005. Claims 1-36 are pending.

### *Response to Amendment*

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by McCall et al., U.S. Patent No. 6,738,628.

McCall teaches the invention as claimed including electronic physical asset tracking (see abstract).

Regarding claims 1, 13, and 25, McCall teaches a method, information handling system, and computer-readable medium, for handling location information, comprising: acquiring location data regarding a user from a plurality of location sources (col. 4, lines 26-33, McCall discloses multiple beacons transmitting a signal regarding their location);

creating a collection of said location data regarding said user (col. 5, lines 40-48, McCall discloses a list of beacons stored in the asset location database); ranking items in said collection according to expected utility (col. 5, lines 40-48, McCall discloses a comparison of the list of beacons with a stored list of beacons in the database to see if the asset has been moved); and updating said location data continuously (col. 5, lines 33-39, McCall discloses the asset determining its position at regular intervals).

Regarding claims 2, 8, 14, 20, 26, and 32, McCall teaches the method, information handling system, and computer-readable medium of claims 1, 7, 13, 19, 25, and 31, further comprising:

filtering data in said collection to remove misleading data (col. 6, lines 3-10, McCall discloses that if the system picks up a 'guardband set' of beacons, it considers it an insignificant change).

Regarding claims 3, 9, 15, 21, 27, and 33, McCall teaches the method, information handling system, and computer-readable medium of claims 1, 7, 13, 19, 25, and 31, further comprising:

consolidating data in said collection to determine the most likely location of said user (col. 6, lines 48-57, McCall discloses the list of beacons is sent to the server and then the server reports the probable location).

Regarding claims 4, 16, and 28, McCall teaches the method, information handling system, and computer-readable medium of claims 1, 13, and 25, wherein:

said acquiring further comprises acquiring location data regarding more than one user (col. 4, lines 26-33, col. 3, lines 3-11, McCall discloses the tracking of one or more objects);

said creating further comprises creating collections of said location data regarding more than one user, organized by user (col. 5, lines 40-48, col. 3, lines 3-11); and

said ranking further comprises ranking items in said collections regarding more than one user, according to expected utility (col. 5, lines 40-48, col. 3, lines 3-11).

Regarding claims 5, 11, 17, 23, 29, and 35, McCall teaches the method, information handling system, and computer-readable medium of claims 4, 10, 16, 22, 28, and 34, further comprising:

filtering data in said collections to remove misleading data (col. 6, lines 3-10).

Regarding claim 6, 12, 18, 24, 30, and 36, McCall teaches the method, information handling system, and computer-readable medium of claims 4, 10, 16, 22, 28, and 34, further comprising:

consolidating data in said collections to determine the most likely locations of said users (col. 6, lines 48-57).

Regarding claims 7, 19, and 31, McCall teaches a method, information handling system, and computer-readable medium for handling location information, comprising:  
ranking items in a collection of location data regarding a user, according to expected utility (col. 5, lines 40-48); and  
updating said location data continuously (col. 5, lines 33-39).

Regarding claims 10, 22, and 34, McCall teaches the method, information handling system, and computer-readable medium of claims 7, 19, and 31, wherein:  
said ranking further comprises ranking items in collections of location data regarding more than one user, according to expected utility (col. 5, lines 40-48, col. 3, lines 3-11).

#### ***Response to Arguments***

3. Applicant's arguments filed May 4, 2005 have been fully considered but they are not persuasive.

Regarding the argument to claim 1, the applicant argues that the reference, McCall, does not disclose means for ranking items in collection of user location data obtained from multiple location sources according to expected utility. The examiner disagrees, as seen in, column 4, line 26 – column 5, lines 48, there is the location data being transmitted from multiple beacons and the comparison of the list of beacons with a stored list of beacons in a database to see if the asset has moved, based on a certain asset, which is effectively ranking the beacons according to utility.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,684,250 to Anderson et al.

U.S. Pat. No. 6,091,959 to Souissi et al.

U.S. Pat. No. 5,878,126 to Velamuri et al.

U.S. Pat. No. 6,456,931 to Polidi et al.

U.S. Pat. No. 6,477,387 to Jackson et al.

U.S. Pat. No. 5,659,596 to Dunn et al.

U.S. Pat. No. 6,665,715 to Houri

U.S. Pat. No. 6,668,173 to Greene

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U.S. Pat. No. 5,742,233 to Hoffman et al.

U.S. Pat. No. 6,747,675 to Abbott et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG

  
ARIO ETIENNE  
CHIEF PATENT EXAMINER  
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